

AMENDMENT TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1A and 1B. This sheet, which includes Figures 1A, 1B, and 2, replaces the original sheet including Figs. 1A, 1B, and 2. In Figures 1A and 1B, previously omitted element 19 has been added.

REMARKS

This is responsive to the Office Action mailed on April 15, 2008. In the Office Action, the Examiner rejected claims 1-14. Claim 2 has been canceled. Claims 1 and 3-14 have been amended. Support for the amendments to claim 1 can be found throughout the specification and Figures, and at least on page 9, lines 22-31 and page 10, lines 21-23. Clarifying amendments were made to the other claims, and do not change the scope of the claims. New claims 15 and 16 have been added. Support for the new claims can be found throughout the specification and Figures. No new matter has been added. Claims 1-16 are currently pending in the application. Reconsideration and allowance of the claims are requested.

The Examiner objected to the drawings. In amended Figures 1A and 1B, the previously omitted element numeral 19 has been added. Withdrawal of the objection is requested.

The Examiner objected to the specification. In the specification, the paragraph on page 3, lines 11-19 has been amended to correct the patent number. Withdrawal of the objection is requested.

The Examiner rejected claims 5 and 13 under 35 U.S.C. 112, second paragraph, for insufficient antecedent basis. Claim 1 has been amended to include means for adjusting. Claim 13 has been amended to depend from claim 12. Withdrawal of the rejections is requested.

Claims 1-14 were rejected under 35 USC 103(a) over Bergman (US 2,477,164) in view of Lindy (US 5,570,823). The Office Action states that Bergman discloses a baby carrier permitting a baby to be carried next to an adult, with a harness 21 and a carrying part at 5 forming a seat for the baby, and comprising a part C forming the back of the seat. The back of the seat C has two portions (nearer 13 and nearer 14) that may be moved away from or closer to one another, and are separated by a cut out running along a longitudinal axis of the majority of the length of the back of the seat (figure 2). A strip of fabric at C (figure 1) connects the portion of the back together, to prevent them from moving beyond a maximum width. Bergman does not disclose that the strip of fabric at C (figure 1) is made of a different material. The Office Action states that Lindy teaches a baby carrier with a width-adjustable back having straps of fabric 18 made of a different material than the rest of the carrier, allowing for ventilation of the child. The Examiner suggested that it would have been obvious to make the strip of fabric at C (figure 1) of

Bergman of a different ventilated material in order to maximize the child's comfort in the carrier (Lindy column 6, lines 54-57).

Claim 1, as amended, recites that a carrying part comprises a part forming a back of the seat comprising a cut-out running along a longitudinal axis of said part forming the back of the seat, on at least a majority of the length of said part forming the back of the seat, said cut-out having two edges corresponding to edges of two lateral elements of said part forming the back of the seat, means for adjusting an opening between said edges of the cut-out, and at least one strip of fabric connecting said edges of the cut-out, made of a different material from that of said lateral elements and which allows air to circulate, so as to permit ventilation and prevent the edges of said cut out from moving beyond a maximum width.

Bergman relates to a completely different approach of carrying a baby with a shoulder strap seat. Bergman relates to a folding of the same piece of material. There is no cut in Bergman since the seat is in the same piece of material. As admitted in the Office Action, the fabric at C in Figure 1 of Bergman is not made of a different material.

In Bergman, the back of the seat can lean backwards so that the baby can be in a sitting position or a reclining position due to the folding, which can be controlled by a lacing. The lacing is used to move the baby to different positions (reclining or sitting), and is not used to adjust the carrier to the baby's morphology. On the other hand, the claimed invention in claims 1-16 includes a means for adjusting which is used to adjust the baby carrier to the morphology of the baby.

It appears that the baby carrier in Bergman is neither comfortable nor ergonomic for the baby and the adult carrier. This baby carrier has not been developed. Currently, baby carriers are designed to carry the child in a sitting position, close to the adult body (in a ventral or dorsal position).

In addition, the baby carrier in Bergman is not efficient and practical, and does not solve the sweating problem or the problem of seat width adjustment for different babies, and in particular, adjustment for the amount of clothing worn by the baby, because the space between the lateral sides is constant. Further, in both the sitting and reclining positions in Bergman, no air circulation is provided. Moreover, there is no adjustment in Bergman for differences in baby width or the amount of clothing that the baby is wearing. Clearly, one skilled in the art would not look to Bergman because Bergman does not provide a means for

adjusting the carrier to a baby's morphology or provide for ventilation.

Lindy relates to a ventral baby carrier. The baby is carried in sitting position. A central zipper spreads lengthways in the back of the baby. In addition, the lateral sides are made of a material allowing for ventilation of the child.

Lindy does not supply the deficiencies in Bergman since again there is no cut out. Assuming, *arguendo*, that the zipper is a cut out, the zipper is used to make the insertion of the baby into the baby carrier easier. The zipper in Lindy also does not disclose at least one strip of fabric connecting the edges of the cut out, as claimed.

Lindy also does not teach the invention as presently claimed in claims 1-16 in that there are no means for adjusting an opening which permits the seat width to fit the baby morphology and/or the thickness of the clothes of the baby. The use of a zipper in Lindy only permits the back part of the seat to be opened or closed during positioning of the baby. In the closed position, the seat width is constant. The zipper must be obviously closed, after the baby is inserted, to permit transportation of the baby, or the baby will fall out. The claimed invention of claims 1-16, on the other hand, provides a cut out, a means for adjusting an opening between the edges of the cut out, and at least one strip of fabric connecting said edges of the cut out, which allows the seat width to be adjusted to fit the baby morphology, which improves his comfort.

Lindy discloses a technique that improves the baby insertion in the baby carrier. It does not disclose that the harness and the carrying part could be dissociated, which is neither practical nor ergonomic for the baby and the adult carrier. Further, the problem of sweating in the back of the baby's body is not considered or solved in Lindy.

As discussed above, Bergman does not disclose all of the elements of amended claim 1 since there is no cut out in Bergman and since the seat is made of the same piece of material. Bergman discloses the advantages of the use of a single piece of material, and does not encourage combining several pieces of material, or of different materials. Further, there is no means for adjusting an opening between the edges of the cut out, and there is not at least one strip of fabric connecting said edges of the cut out made of a different material. The type of seat in Bergman is different from the claimed invention in claims 1-16 both in its conception as well as its use.

Lindy does not supply the deficiencies of Bergman since, even if assuming, *arguendo*, that the zipper is a cut out, there is not at least one strip of fabric connecting said edges

of the cut out made of a different material from that of the lateral elements, nor is there a means for adjusting the opening. If Lindy's side panels made of a mesh material to improve ventilation are adopted in Bergman, they would be placed on the sides but not in the back of the seat, which is always closed during the transport of the baby.

Combining Bergman with Lindy is not obvious, since they are not related to the same type of transport. Moreover Bergman does not encourage seeking the improvements in Lindy. Bergman proposes a way to fold a piece of material to be slung over the shoulder, either in a sitting or a reclining position. On the other hand, Lindy proposes a technique to carry a child vertically close to the carrier. In particular, Lindy proposes a solution based on a zipper use, to make the insertion of the baby into the carrier easier.

If surprisingly, Lindy is considered to improve Bergman, it is obvious that there is no need in Bergman to make easier the baby insertion (from to a zipper), because this problem simply does not exist in Bergman.

Neither Bergman nor Lindy suggest that the baby carrier can be adjusted depending on the child morphology or the child clothing. Lindy proposes indeed only one child position (the baby will fall out if the zipper is open). The zipper is only utilized to insert the baby. Moreover, Bergman proposes an inclination adjustment (not used in the presently claimed invention in claims 1-16) but no seat width adjustment.

Claim 1 is amended in order to recite the cut-out in the back of the seat, filled with a material, which allows air to circulate and is adjusted by a means of adjustment. In addition, a new independent claim 15 is proposed, specifying that the means of adjustment comprise at least one cord running between the edges of said cut-out. New independent claim 16 recites that the carrying part and the harness can be separated. It is believed these claims are not taught, suggested or rendered obvious by the art of record.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant

reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

For the foregoing reasons, Applicant submits that the present application is in allowable form. Allowance of the present application is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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